

INCIDENT REPORT	INCIDENT NUMBER	REPORT NUMBER	REPORT TYPE
	113241100027	113241100027 REVISION 1	INITIAL

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 5031; 44 U.S.C. 3103 and EO 9397
PRINCIPAL PURPOSE: Used to record information and details of criminal activity which may require investigative action by commanding officers, supervisors, security police, NCIS special agents, etc. Used to provide information to the appropriate individuals within DoD organizations who ensure that proper legal and administrative action is taken.
ROUTINE USES: Information may be disclosed to local, county, state and federal law enforcement or investigatory authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.
DISCLOSURE IS VOLUNTARY: SSN is used to positively identify the individual making the statement and as a conduit to check past criminal activity records.

SECTION I. ADMINISTRATIVE

Incident Subject : WEAPONS VIOLATION(S)

Date Received 14-JAN-2011	Time Received 1009	Incident Received In Person	Start Date / Time of Incident 14-JAN-2011 1009	End Date / Time of Incident 14-JAN-2011 1245
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Weather : Clear Lighting : Daylight

SECTION II. COMPLAINANT(S)

COMPLAINANT

Name (b) (6) (b) (7)(C)	ID Num SSN/ UNK	Rank (b) (6)
Branch of Service Navy	Personnel Type MILITARY	Status Reserve
Date of Birth	Place of Birth	
Address (b) (6) (b) (7)(C)		
UIC / BUC (b) (6)		Work Telephone (b) (6)

SECTION III. OFFENSE(S)

OFFENSE

Offense : Weapon Offenses - Possession Of Weapon	Statutory Basis : State	On Base : YES	Offense Status : COMPLETED
Location : NAVSTA GATE 1 NEWPORT, Rhode Island	Location Type : Highway/Road/Alley (includes street)		
Bias Motivation : No Bias			
Offender Used :	Type Weapon / Force Used :		
Type of Criminal Activity : Possessing/Concealing			

VEHICLE(S) USED IN COMMISSION OF OFFENSE

Vehicle	Vehicle Status Suspect	Year (b) (6)	Make (b) (6)	Model (b) (6)	Body Style (b) (6)	Color (b) (6)
License Plate (b) (6) (b) (7)(C)	Vehicle Identification Number (VIN) (b) (6) (b) (7)(C)		Owner Name (b) (6) (b) (7)(C)			
Other Identifying Marks						

SECTION IV. PROPERTY

SECTION IV. PROPERTY - NARCOTIC(S)

SECTION IV. PROPERTY - VEHICLE(S)

Vehicle	Year (b) (6)	Make (b) (6)	Model (b) (6)	Body Style (b) (6)	Color (b) (6)
License Plate (b) (6) (b) (7)(C)	Vehicle Identification Number (VIN) (b) (6) (b) (7)(C)		Owner Name (b) (6) (b) (7)(C)		
Other Identifying Marks					

SECTION V. VICTIMS(S)

VICTIM

Victim Type Individual		DD2701 Issued
Name UNK, UNK	ID Num SSN/ UNK	Rank
Branch of Service	Personnel Type UNKNOWN	Status
Date of Birth	Place of Birth	

Sex : Unknown	Race : Unknown	Ethnicity : Unknown	Resident of Jurisdiction :	
Address				
Organization			UIC / RUC	Work Telephone
ADDITIONAL VICTIM INFORMATION				
Offense(s) Committed Against This Victim : 1 - Weapon Offenses - Possession Of Weapon				
Relationship of Victim to Suspect(s) : (b) (6) (b) (7)(C)				
Aggravated Assault Circumstances :				
Injury Type(s): None				
SECTION VI. WITNESS/SPONSOR - WITNESS(S)				
WITNESS				DD2701 Issued :
Name (b) (6)		ID Num SSN/ UNK	Rank	
Branch of Service	Personnel Type CIVILIAN	Status CIVILIAN EMPLOYEE - Civil Service	Date of Birth	Place of Birth
Address				
Organization (b) (6)			UIC / RUC	Work Telephone
SECTION VI. WITNESS/SPONSOR - SPONSOR(S)				
SECTION VII. SUSPECT(S) / ARRESTEE(S)				
ARRESTEE				
Name (b) (6)		ID Num (b) (6)	Rank	
Branch of Service	Personnel Type CIVILIAN	Status CIVILIAN EMPLOYEE - Contractor	Date of Birth (b) (6)	Place of Birth (b) (6)
Address (b) (6)				
Organization			UIC / RUC	Work Telephone (b) (6)
Known Alias :				
ADDITIONAL SUSPECT / ARRESTEE INFORMATION				
Offense(s) Committed by This Suspect/Arrestee: Weapon Offenses - Possession Of Weapon - Principal				
SUSPECT / ARRESTEE DESCRIPTION				
Sex (b) (6)	Race (b) (7)(C)	Ethnicity	Resident of Jurisdiction	
Hair Color (b) (6)	Eye Color (b) (7)(C)	Height (Inches)	Weight (lbs.)	Body Build
Hair Type(s) (b) (6)	Hair Style(s) (b) (6)	Facial Hair : (b) (6)		
Complexion	Appearance		Demeanor : (b) (6)	
Attire : Casual Attire	Speech : (b) (6)			
IDENTIFYING MARKS				
Type	Location	Description		
ARRESTEE INFO				
Date Arrested : 14-JAN-2011	Type of Arrest : Taken Into Custody			
Multiple Clearance :	Disposition of Juvenile :			
Suspect Was Armed With :				
SECTION VIII. ADDITIONAL POLICE OFFICERS				
POLICE OFFICER				
Name (b) (6) (b) (7)(C)		Rank (b) (6)		
Branch of Service Navy	Personnel Type MILITARY	Status Reserve	Organization NAVSTA NEWPORT POLICE DEPT	
POLICE OFFICER				

Name LEMA, FRANK			Rank (b) (6)
Branch of Service DoD	Personnel Type CIVILIAN	Status CIVILIAN EMPLOYEE - Civil Service	Organization NAVSTA NEWPORT POLICE INVESTIGATIONS

POLICE OFFICER			
Name (b) (6)			Rank (b) (6)
Branch of Service DoD	Personnel Type CIVILIAN	Status CIVILIAN EMPLOYEE - Civil Service	Organization NAVSTA NEWPORT POLICE DEPT.

SECTION IX. NARRATIVE

At approximately 10:07 hours on January 14, 2011, (b) (6) (USN/RES) and I were conducting Command Authorized Random Vehicle Inspections (RAMS) at NAVSTA Newport ECP Gate 1.

At this time, (b) (6) directed a (b) (6) (b) (7)(C) into vehicle lane 3. I stopped the vehicle and informed the operator, identified as (b) (6), that we were conducting a "Command Authorized Vehicle Inspection." (b) (6) acknowledged that he understood his vehicle was being inspected and that he would comply with the inspection. I asked (b) (6) to turn off his vehicle, for his license, vehicle registration, and proof of insurance. (b) (6) complied and handed me the documents. I then asked (b) (6) to leave all interior compartments open for inspection, to step out of the vehicle, and open all exterior doors and hood. (b) (6) complied and exited the vehicle opening the doors and rear tailgate cover. I directed (b) (6) to stand towards the rear side of the vehicle in a safe location as (b) (6) began the inspection.

At approximately 10:09 hours, while conducting the inspection, (b) (6) notified me the he had found a weapon in the vehicle. (b) (6) stated he was inspecting the passenger side area and discovered two handguns which were located in a black backpack behind the passenger side seat. (b) (6) discovered an unloaded .22 caliber Ruger "Single Six" shot revolver in a brown leather western style belt holster. The Ruger was inside the large compartment of the black backpack. The backpack was within reach of the drivers seat. (b) (6) then discovered a Derringer style .32 caliber palm pistol. The Derringer was loaded with (2) unfired .32 caliber rounds. The Derringer was in a black cloth velcro waist holster and was discovered in a small front compartment of the same black backpack.

I immediately ordered (b) (6) to place his hands on the side of a building located where we were conducting the inspection. (b) (6) complied without resistance. I began a pat down search of (b) (6) exterior clothing for my safety and his. (b) (6) asked Mr. (b) (6) if he had a RI State permit to carry a weapon. (b) (6) replied "NO, I do not have a weapons permit for the guns. I have a RI Blue Card" (Department Environmental Protection Gun Safety Card) which allows transportation of weapons from a residence to a range.

At approximately 10:10 hours, (b) (6) was informed that he was being placed under arrest for RIGL 11-47-8 License or permit required for carrying pistol (as assimilated by 18 USC 13), a violation of Rhode Island State Weapons Law requiring a permit to carry a loaded/concealed weapon. I then read him his Miranda Warning Rights from a card I carry in my uniform and in the presence of (b) (6). (b) (6) acknowledged he understood his rights. I again conducted a check of his clothing/person to assure (b) (6) was not carrying any weapons on him. (b) (6) stated he had no weapons on him. I handcuffed (b) (6) and he complied without resistance. I double locked the handcuffs and assured that (b) (6) was not in any pain from the handcuffs. (b) (6) continued the inspection of the backpack and found no other weapons. He then continued a search, incident to arrest, of the rest of the vehicle with negative results. (b) (6) secured and unloaded the Derringer and assured the Ruger was unloaded of any ammo. I then rechecked the weapons and took them into my custody as evidence.

At approximately 10:10 hours, I notified NAVSTA Police (b) (6) of the situation. At this time, I was instructed by (b) (6) to transport the suspect to NAVSTA Police Headquarters for processing. I placed the suspect in the rear of my Police cruiser, and had NAVSTA Newport Police dispatch conduct a Wants and Warrants check which came back negative. (b) (6) vehicle was currently registered and his RI Drivers License was current and active.

At approximately 10:30 hours, Officer (b) (6) arrived on scene to inventory the vehicle. Rhode Island Towing was notified and responded to the scene for removal of (b) (6) vehicle. Officer (b) (6) completed the inventory via OPNAV 5580/12 and the vehicle was towed at 11:30 hours to Rhode Island Towing for impoundment.

At approximately 10:43 hours, (b) (6) and I transported (b) (6) to NAVSTA Newport Police Headquarters for processing. We arrived at the Police Station at approximately 10:47 hours without incident. (b) (6) was brought into the Booking room. (b) (6) was searched again for any weapons with negative results. (b) (6) was released from the handcuffs and asked if he was injured in any way, to which he reported having no injuries. (b) (6) was then read his Civilian Suspect's Acknowledgement and Waiver of Rights form (OPNAV 5527/4) to which he acknowledged, made a statement, and signed in the presence of (b) (6) and myself. He was then fingerprinted and photographed.

The evidence was seized and turned over to (b) (6) via an Evidence Custody Receipt (ECD) and transported to Perry Hall Armory for temporary storage. An NCIC weapons check was conducted with negative results. (b) (6) was given the hard copy receipt of the ECD for future retrieval of his weapons.

I then issued (b) (6) a United States District Court Violation Notice # N0578752 for RIGL 11-47-8 License or Permit Required for Carrying Pistol, as assimilated by 18 USC 13.

At approximately 13:20 hours, Mr. Stroker was released on his own personal recognizance via DD 2708.

ENCLOSURE(S)	
ENCL #	DESCRIPTION
1	Civilian Suspect's Acknowledgement/Waiver of Rights: (b) (6)
2	DON Investigative Notes: (b) (6)
3	Evidence/Property Custody Receipt (OPNAV5580/22)